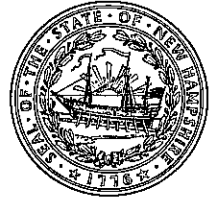




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

March 31, 2009

The Honorable Judith T. Spang, Chairman
Resources, Recreation, and Development
Legislative Office Building, Room 305
Concord, NH 03301

Re: SB 47, relative to surface water

Dear Chairman Spang:

Thank you for the opportunity to comment on SB 47, which clarifies that only new surface water withdrawals or diversions must receive certification of compliance with surface water quality standards. The Department of Environmental Services (Department) supports this bill.

In the last legislative session, the paragraph that is amended by this bill was enacted to ensure that the Department would review and certify any new surface water diversions and withdrawals that must be registered with the state (i.e. withdrawals or diversions of 20,000 gallons or more per day on average over a 30 day period). However, the current language could be interpreted to include groundwater withdrawals, which was not the Legislature's intent. Under the Groundwater Protection Act, RSA 485-C, there is already an extensive withdrawal permitting process specific to groundwater which, among other protections, ensures compliance with surface water quality standards. Accordingly, the Department supports this clarifying language.

Again, thank you for this opportunity to comment on this bill. Please feel free to call me at 271-2958, or Sarah Pillsbury at 271-1168, if you have any questions or need additional information.

Very truly yours,

Thomas S. Burack
Commissioner

cc: Senator Cilley
Senator Merrill
Senator Odell
Senator Janeway
Representative Keans
Representative Moody
Representative Perry
Representative Price

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